

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	
UNITED STATES OF AMERICA)	
)	
)	
v.)	Case No. 03-cr-10368-RCL
)	
)	
DEREK FRAZIER)	
_____)	

JOINT MOTION TO SCHEDULE A RULE 11 HEARING AND TO EXCLUDE TIME

The United States, by and through its attorneys, United States Attorney Michael J. Sullivan and Assistant United States Attorney Seth P. Berman, and the defendant, by and through his attorney, James Budreau, Esq., jointly move for the Court to schedule a Rule 11 hearing on July 21, 2004 at 3:00 pm, and further move, pursuant to 18 U.S.C. § 3161 (h)(8)(A), to exclude the period of time commencing on May 5, 2004 and ending on July 21, 2004. As grounds therefor, the parties state that the parties need additional time to finalize the plea agreement that has been reached by the parties and to schedule the plea.

WHEREFORE, both parties respectfully request that the Court schedule a Rule 11 hearing for July 21, 2004, and, under 18 U.S.C. § 3161(h)(8)(A) and §5(c)(1)(A) of Plan for Prompt Disposition of Criminal Cases of this Court, that this Court find, based on the above, that the ends of justice served by granting the requested exclusions outweigh the best interest of the public and the defendant in a speedy trial, and, accordingly, exclude the above period in computing the time within which trial must commence under 18 U.S.C. § 3161.

Respectfully Submitted,

DEREK FRAZIER
By His Attorney

MICHAEL J. SULLIVAN
United States Attorney
By:

/s/ James Budreau by SPB
JAMES BUDREAU, Esq.

/s/ Seth P. Berman
SETH P. BERMAN
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May 27, 2004